

REMARKS

Reconsideration of this application, as amended, is requested. Claims 1, 3, 8-23 and 25-29 remain in the application. Claims 15, 17, 20, 22, 23 and 29 have been amended to define the invention more clearly.

The applicants and the assignee are pleased to note that claims 1, 3 and 8-14 have been allowed. Those claims remain in the application and have not been amended further.

Independent claims 15 and 20 were rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicants regard as the invention. The Examiner noted that both of these claims, as previously presented, recite that the elastic members are in an extended state in a web length direction between the first and second outer surface webs and the first and second inner surface webs respectively. However, the Examiner stated that it is unclear how many elastic members may be inserted between the webs before lamination and what number of elastic members are attached to each web respectively.

Independent claims 15 and 20 have been amended to address the rejection under 35 USC 112, second paragraph. Amended claim 15 and 20 now positively recite "a step of manufacturing a first elastic laminated body and a second elastic laminated body by placing at least one first elastic member in an extended state in a web length direction between the first outer surface web and the first inner surface web, and at least one second elastic member in an extended state in a web length direction between the second outer surface web and the second inner surface web, and laminating the first outer surface web to the first inner surface web, and the second outer surface web to the second inner

surface web." It is believed that these amendments to claim 15 overcome the rejection under 35 USC 112, second paragraph. Similarly, claim 20 has been amended and now positively recites "a step of manufacturing a first elastic laminated body and a second elastic laminated body by placing at least one first elastic member in an extended state in a web length direction between a single outer surface web and the first inner surface web, and at least one second elastic member in an extended state in a web length direction between the single outer surface web and the second inner surface web, and laminating the single outer surface web over the first inner surface web and the second inner surface web, the first elastic laminated body and the second elastic laminated body being connected via the single outer surface web." It is believed that amended claim 20 overcomes the rejection under 35 USC 112, second paragraph.

Claims 15, 17-20 and 22-29 were rejected under 35 USC 102(b) as being anticipated by Otsubo et al. (US 6,827,804). The Examiner identified elements of Otsubo et al. that were considered to correspond to the method steps recited in previously presented independent claims 15 and 20 and their respective dependent claims. The Response to Arguments section of the office action were helpful for explaining the Examiner's positions and the differences that had existed between the positions of the Examiner and the positions of the applicants. More particularly, the Examiner asserted that the features upon which applicant relies (i.e., the inner and outer webs are cut before laminating elastic members between the two webs) are not recited in the rejected claims. The Examiner acknowledged that the claims are interpreted in light of the specification. However, the Examiner explained that limitations from the specification are not read into the claims.

Amended independent claim 15 defines a method for manufacturing a disposable wearing article. The method includes cutting an outer surface web in a length direction of the outer surface web into a first outer surface web and a second outer surface web and then spacing the first outer surface web and the second outer surface web from each other. Method claim 15 proceeds by cutting an inner surface web in a length direction of the inner surface web into a first inner surface web and a second inner surface web and then spacing the first inner surface web and the second inner surface web from each other. Claim 15 as currently amended proceeds with a step of manufacturing a first elastic laminated body and a second elastic laminated body by placing at least one first elastic member in an extended state in a web length direction between the first outer surface web and the first inner surface web and at least one second elastic member in an extended state in a web length direction between the second outer surface web and the second inner surface web and then laminating the first outer surface web to the first inner surface web and the second outer surface web to the second inner surface web. Method claim 15 concludes with a step of attaching an absorber to the first elastic laminated body and the second elastic laminated body which are spaced from each other.

Independent claim 20 has been amended to substantially parallel the above-described amendments to independent claim 15. In particular, claim 20 defines a method including a step of cutting an inner surface web in a length direction of the inner surface web into a first inner surface web and a second inner surface web and then spacing the first inner surface web and the second inner surface web from each other. Claim 20 as currently amended proceeds with "a step of manufacturing a first elastic laminated body and a second elastic laminated body by placing at least one first elastic member in an

extended state in a web length direction between a single outer surface web and the first inner surface web and at least one second elastic member in an extended state in a web length direction between the single outer surface web and the second inner surface web." Amended claim 20 proceeds by "laminating the single outer surface web over the first inner surface web and the second inner surface web" so that the first elastic laminated body and the second elastic laminated body are connected via the single outer surface web. Amended claim 20 proceeds with a step of attaching an absorber to the first inner surface web and the second inner surface web which are spaced from each other and a step of forming a leg hole portion in the single outer surface web.

It is believed that amended independent claims 15 and 20 address the Examiner's very helpful comments in the Response to Arguments section of the office action in "that the features upon which applicant relies (i.e., the inner and outer surface webs are cut before laminating elastic members between the two webs)" now are positively recited in independent claims 15 and 20. In contrast, the Otsubo et al. reference relates to a method where an elongate web is provided and first and second elastic members are fed onto the web to define two substantially parallel and substantially sinusoidal curves that are in phase with one another. The web then is cut along a substantially sinusoidal line bisecting a distance between the first and second elastic members to provide a first web half and a second web half. Each web half has an alternating arrangement of troughs and crests as explained at col. 4, lines 45-66 of Otsubo et al. The two web halves then are moved away from one another in directions transverse to their longitudinal direction. This aspect of the Otsubo et al. reference causes wrinkles and creases to occur easily in the two webs. The Otsubo et al. method proceeds by

placing a body fluid absorbent pad 84 on the first and second web halves to bridge the spacing therebetween as illustrated in FIG. 2 of Otsubo et al. and as described at col. 4, line 66 to col. 5, line 8. However, the body fluid absorbent pad 84 is attached to the two webs that already have the wrinkles and creases. It is submitted that amended independent claim 15 now is commensurate with the arguments that were submitted in the last Amendment and addresses the comments provided in the Response to Arguments section of the office action. The deficiencies of Otsubo et al. with respect to amended claim 15 apply equally well to amended claim 20. Additionally, claim 20 further recites forming a leg hole portion in the single outer surface web. The Otsubo et al. reference does not teach or suggest that the leg hole portion is formed in the single outer surface web after the absorber is attached to the first and second inner surface web. For these reasons, it is submitted that the invention defined by amended claim 20 and its dependent claims is not taught or suggested by Otsubo et al.

With respect to independent claim 29, the response to arguments section of the office action referred to FIG. 5 of Otsubo et al. to support the limitation that Otsubo teaches a web cut to define straight cut edges.

Independent claim 29 is directed to a method of manufacturing a disposable wearing article including a step of manufacturing an elastic laminated body by laminating two webs with an elastic member being in an extended state in a web length direction between the two webs. Claim 29 then recites a step of "cutting the elastic laminated body in a length direction of the elastic laminated body into a first elastic laminated body and a second elastic laminated body, each having a single straight cut edge." Claim 29 proceeds by spacing the first elastic laminated body and the second elastic laminated body

from each other, attaching an absorber to the first elastic laminated body and the second elastic laminated body that are spaced from each other and forming a leg hole portion in the first and second elastic laminated body.

It is submitted that the Otsubo et al. reference does not disclose forming a single straight cut edge. Rather, the Otsubo et al. reference discloses that a first elastic member and a second elastic member are fed onto a web to describe a substantially sinusoidal curve. The web then is cut along a line bisecting a distance between the first elastic member and the second elastic member to provide a first web half and a second web half each having trough portions and crest portions as explained at col. 4, lines 45-66 of Otsubo et al. In contrast, the elastic laminated body of amended claim 29 is cut to form the first elastic laminated body and the second elastic laminated body each having a single straight cut edge. The first and second elastic laminated bodies then are spaced from each other and an absorber is attached to the respective elastic laminated bodies. A leg hole portion then is cut out from the first and second elastic laminated bodies. Thus, the elastic laminated body is cut into the first and second elastic laminated bodies each having a single straight cut edge, thereby suppressing wrinkles and creases. The absorber then can be attached to the first and second elastic laminated bodies that are substantially free of wrinkles and creases. This contrasts to the Otsubo et al. reference where the web is cut into the two webs having the trough portions and crest portions and then spacing the webs from each other. This causes the wrinkles and creases to occur easily in the webs. The pad member then is to be attached to the two webs of Otsubo et al. in which the wrinkles and creases already occur. It is submitted again that the Otsubo et al. reference does not

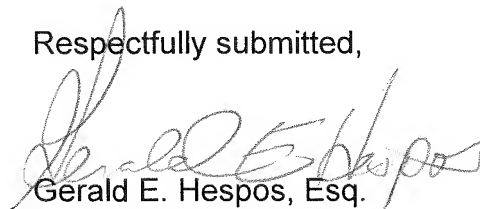
teach or suggest that the elastic laminated body is cut into the first and second elastic laminated bodies each having the single straight cut edge.

Claims 16 and 21 were rejected under 35 USC 103(a) as being obvious over Otsubo et al. considered in view of Thorson et al. (US 6,979,380). The Examiner acknowledged that the Otsubo et al. reference does not teach shifting the cut webs longitudinally so that the concave portions of the respective webs oppose each other. The Examiner turned to Thorson et al. in an effort to address this admitted deficiency of Otsubo et al.

The deficiencies of Thorson et al. were discussed in the Remarks section of the last Amendment. Those Remarks are incorporated herein by reference. The Thorson et al. reference does not overcome the above-described deficiencies of Otsubo et al. when applied to amended claims 15 and 20. Hence, it is submitted that amended claims 16 and 21 are not suggested by Otsubo et al. considered in view of Thorson et al.

In view of the preceding amendments and remarks, it is submitted that the claims remaining in the application are directed to patentable subject matter and allowance is solicited. The Examiner is urged to contact applicants attorney at the number below to expedite the prosecution of this application.

Respectfully submitted,



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